

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 04-4914 MJD/JJG**

<b>GARY LEE BAKER,</b>	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
<b>JO ANNE B. BARNHART,</b>	)	
Commissioner of	)	
Social Security,	)	
Defendant.	)	
	)	

**APPEARANCES**

George H. Smith, Esq. on behalf of Plaintiff

Lonnie F. Bryan, Esq., Assistant United States Attorney, on behalf of Defendant Jo Anne B. Barnhart

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Based upon the Report and Recommendation by United States Magistrate Judge Jeanne J. Graham dated October 24, 2005; all the files, records and proceedings herein; and no objections having been filed to that Report and Recommendation;

**IT IS HEREBY ORDERED:**

(1) Plaintiff Gary Lee Baker's Motion for Summary Judgment (Doc. No. 13) is **DENIED**; and

(2) Defendant Commissioner's Motion for Summary Judgment (Doc. No. 16) is **GRANTED**.

Dated: December 19, 2005

s/ Michael J. Davis  
MICHAEL J. DAVIS  
United States District Court